

IN RE: PETITIONS FOR SPECIAL HEARING AND VARIANCE - SW/S Reisterstown Road at Glengyle Avenue (7002 Reisterstown Road) 3rd Election District 2nd Councilmanic District Colonial Village Company Petitioner

\* BEFORE THE DEPUTY ZONING COMMISSIONER OF BALTIMORE COUNTY Case No. 94-134-SPHA

AMENDED ORDER

WHEREAS, this matter came before the Deputy Zoning Commissioner as a Petition for Special Hearing and Variance filed by the owner of the subject property, Colonial Village Company, to approve an amendment to the variances granted in prior Case Nos. 85-337-A and 93-17-SPHX to permit 215 spaces in lieu of the required 332, not including 28 spaces provided in the Baltimore City portion of this site, for a proposed restaurant expansion in accordance with the plan submitted into evidence as Petitioner's Exhibit 1. The relief requested was granted, subject to restrictions, by Order issued November 10, 1993.

WHEREAS, subsequent to the issuance of said Order, Counsel for the Petitioner requested a modification of Restriction No. 3 to allow the Petitioner or the Royal Restaurant to provide a parking validation system in lieu of actually leasing the additional 28 parking spaces required; and,

WHEREAS, by letter dated November 24, 1993, the Pikesville Chamber of Commerce is in full agreement with the requested modification; and,

WHEREAS, in consideration of the Petitioner's request, a modification of Restriction No. 3 shall be granted,

IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 15<sup>th</sup> day of December, 1993 that Restriction No. 3 of the

Order issued November 10, 1993 be and the same shall be amended to read as follows:

"3) In the event that new public parking is created within 500 feet of the Colonial Village Shopping Center, the Petitioner shall support both physically and financially any plan submitted by the then governing authority in such a manner which will not place an economically infeasible burden upon the Developer to provide parking that will offset the variance for the specific use being proposed at this time. At the hearing on this matter, it was determined that the proposed expansion of the Royal Restaurant necessitated the variance of 28 parking spaces. Therefore, in the event public parking were to become available, this Petitioner would only be required to provide 28 parking spaces at such a facility, or, in the alternative, the Petitioner or the Royal Restaurant may provide a parking validation system at such public lot for up to 28 parking spaces."

IT IS FURTHER ORDERED that all other terms and conditions of the Order issued November 10, 1993 shall remain in full force and effect.

*Timothy M. Kotroco*  
TIMOTHY M. KOTROCO  
Deputy Zoning Commissioner  
for Baltimore County

TWK:bjs

cc: Newton A. Williams, Esquire  
Nolan Plunhoff & Williams, Court Towers, Suite 700  
210 West Pennsylvania Avenue, Towson, Maryland 21204

Mr. Robert G. Pollokoff  
Fedder Management, 514 N. Crain Highway, Glen Burnie, Md. 21061

Mr. Gabriel W. Rosenbush, Jr.  
Pikesville Chamber of Commerce, 7 Church Lane, Pikesville, Md. 21208

People's Counsel; File

ORDER RECEIVED FOR FILING  
Date 12/16/93  
By [Signature]

IN RE: PETITIONS FOR SPECIAL HEARING AND VARIANCE - SW/S Reisterstown Road at Glengyle Avenue (7002 Reisterstown Road) 3rd Election District 2nd Councilmanic District Colonial Village Company Petitioner

\* BEFORE THE DEPUTY ZONING COMMISSIONER OF BALTIMORE COUNTY Case No. 94-134-SPHA

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Special Hearing and Variance filed by the owner of the subject property, Colonial Village Company. The Petition, as filed, requests a special hearing to approve an amendment to the variances granted in prior Case Nos. 85-337-A and 93-17-SPHX to permit 215 spaces in lieu of the required 332, not including 28 spaces provided in the Baltimore City portion of this site, for a proposed restaurant expansion, all as more particularly described on Petitioner's Exhibit 1.

Appearing on behalf of the Petition was Robert G. Pollokoff, Agent for Colonial Village Company, Nemat Moein, Proprietor of the Royal Restaurant, and George E. Gavrelis with Daft-McCune-Walker, Inc. The Petitioner was represented by Newton A. Williams, Esquire. Also appearing on behalf of the Petition was Gabriel W. Rosenbush, Jr., on behalf of the Pikesville Chamber of Commerce. There were no Protestants at the hearing.

Testimony indicated that the subject property, known as 7002 Reisterstown Road, consists of 4.1 acres, more or less, zoned B.L. and is improved with a strip retail shopping center known as the Colonial Village Shopping Center. A portion of the subject property lies across the Baltimore County/Baltimore City line near the intersection of Reisterstown Road and Glengyle Avenue. Mr. Nemat Moein testified that he is the owner and

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Date 12/16/93  
By [Signature]

operator of a fully kosher restaurant and catering facility at this location, known as the Royal Restaurant. He stated that his establishment is the only true kosher restaurant with catering facilities in this area. Mr. Moein testified that additional space is needed for his catering business due to the uniqueness of Jewish weddings and the need to section off his establishment for such events. As a result of the proposed expansion for restaurant and catering uses, additional parking must be provided. Due to the size of the property and existing improvements thereon, the requested variance is necessary.

Mr. Gabriel Rosenbush, Jr. appeared on behalf of the Pikesville Chamber of Commerce. Mr. Rosenbush submitted into evidence a letter dated November 1, 1993 from the Pikesville Chamber of Commerce indicating their support of the relief requested, contingent upon the approval of the covenants set forth in said letter within that order to protect the interests of the Pikesville Chamber of Commerce. It was agreed by the Petitioner or in this case that the covenants proposed by the Chamber are acceptable and I will therefore include same as conditions of this Order.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the petitioner and his property. *McLean v. Seely*, 276 Md. 208 (1974). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would be substantial assistance to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and

ORDER RECEIVED FOR FILING  
Date 12/16/93  
By [Signature]

3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

*Anderson v. Bd. of Appeals, Town of Chesapeake Beach*, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variance is granted, such use, as proposed, will not be contrary to the spirit of the B.C.Z.R. and will not result in any injury to the public good.

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the special hearing and variance relief are not granted. It has been established that special circumstances or conditions exist that are peculiar to the land or structure which are the subject of this request and that the requirements from which the Petitioner seeks relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variance requested will not cause any injury to the public health, safety or general welfare. Further, the granting of the Petitioner's request is in strict harmony with the spirit and intent of the B.C.Z.R.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the special hearing and variance should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 10<sup>th</sup> day of November, 1993 that the Petition for Special Hearing and Variance to approve an amendment to the variances granted in prior Case Nos. 85-337-A and 93-17-SPHX to permit 215 spaces in lieu of the required 332, not including 28 spaces provided in the Baltimore City portion of this site, for a proposed restaurant expansion, in

ORDER RECEIVED FOR FILING  
Date 12/16/93  
By [Signature]

accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.

2) In the event that the variance granted is not utilized within a period of two (2) years from the date of this Order, or, in the event the use proposed shall cease and a new and different use is utilized, then the variance granted herein shall cease and the property will revert to its current underlining zoning and parking regulations as approved in prior Case Nos. 85-337-A and 93-17-SPHX.

3) In the event that new public parking is created within 500 feet of the Colonial Village Shopping Center, the Petitioner shall support both physically and financially any plan submitted by the then governing authority in such a manner which will not place an economically infeasible burden upon the Developer to provide parking that will offset the variance for the specific use being proposed at this time. At the hearing on this matter, it was determined that the proposed expansion of the Royal Restaurant necessitated the variance of 28 parking spaces. Therefore, in the event public parking were to become available, this Petitioner would only be required to provide 28 parking spaces at such a facility.

4) When applying for any permits, the site plan filed must reference this case and set forth and address the restrictions of this Order.

*Timothy M. Kotroco*  
TIMOTHY M. KOTROCO  
Deputy Zoning Commissioner  
for Baltimore County

TWK:bjs

ORDER RECEIVED FOR FILING  
Date 12/16/93  
By [Signature]

Baltimore County Government  
Zoning Commissioner  
Office of Planning and Zoning



Suite 113 Courthouse  
400 Washington Avenue  
Towson, MD 21204

(410) 887-4386

November 10, 1993

Newton A. Williams, Esquire  
700 Court Towers  
Towson, Maryland 21204

RE: PETITION FOR SPECIAL HEARING AND VARIANCE  
SW/S Reisterstown Road at Glengyle Avenue  
(7002 Reisterstown Road)  
3rd Election District - 2nd Councilmanic District  
Colonial Village Company - Petitioner  
Case No. 94-134-SPHA

Dear Mr. Williams:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Hearing and Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

*Timothy M. Kotroco*  
TIMOTHY M. KOTROCO  
Deputy Zoning Commissioner  
for Baltimore County

TWK:bjs

cc: Mr. Robert G. Pollokoff  
Fedder Management, 514 N. Crain Highway, Glen Burnie, Md. 21061

Mr. Gabriel W. Rosenbush, Jr.  
Pikesville Chamber of Commerce, 7 Church Lane, Pikesville, Md. 21208

People's Counsel

File

Petition for Special Hearing

to the Zoning Commissioner of Baltimore County 94-134-SPHA

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve an amendment of the variances granted in case nos. 85-337A and 93-17-SPHX, retaining 215 spaces in lieu of the required 332 spaces, not including 28 city spaces.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of the above Special Hearing advertising, posting, etc. upon filing of this Petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I, We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City and State

Signature

Address

City and State

Signature

Address

City and State

Signature

Address

City and State

Signature

Address

City and State

Legal Owner(s):

(Type or Print Name)

Signature

Address

City and State

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City and State

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City and State

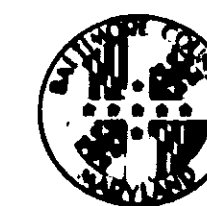
Signature

Address

City and State

Signature

Address



ESTIMATED LENGTH OF HEARING  
AVAILABLE FOR HEARING  
NON-TRIVIAL/ORD. - MEET TWO MONTHS  
ALL OTHERS  
REVIEWED BY: [Signature] DATE: 9/22/93

**REASONS FOR REQUESTED RELIEF**  
**94-134-SPHA**

1. The Colonial Village Center Village Center is the southern anchor for Reisterstown Road and Pikesville, and its health and vitality are vital to the community.
2. That the restaurant/banquet use generates between 90 to 106 spaces, but in reality, it is primarily used for a moderate sized kosher restaurant serving the religious dining needs of the area.
3. That part of the center lies in the City and provides 28 parking spaces available, but not counted in the variance.
4. That without the requested zoning relief, including the variance the Petitioner will sustain practical difficulty and unreasonable hardship.
5. That the requested relief and variance is in harmony with the spirit and intent of the Regulations, and will not harm and will foster the health, safety and welfare of the area involved.

1652C

DAFT-MCCU, WALKER, INC.  
200 East Pennsylvania Avenue Towson, Maryland 21204 301 296 3333 FAX 301 296 4705

**94-134-SPHA**

Description to Accompany Petition for Zoning Variance

4.1 Acres Parcel, Colonial Village Company Property

Southeast side of Reisterstown Road at Glasgow Avenue

Third Election District, Baltimore County, Maryland



Land Planning  
Environmental Science  
Landscape Architecture  
Computer Techniques  
Engineering  
Surveying/CIS

Beginning for the same at the intersection of the southwest side of the right-of-way for Reisterstown Road, 66 feet wide, with the western boundary line of Baltimore City as established in 1918, and running thence binding on the said southwest right-of-way line of Reisterstown Road (1) South 47 degrees 28 minutes 30 seconds East 104.97 feet, thence leaving the said right-of-way and running the following five courses (2) South 42 degrees 31 minutes 30 seconds West 100 feet, thence (3) South 47 degrees 28 minutes 30 seconds East 125 feet, thence (4) South 42 degrees 27 minutes West 447.49 feet, thence (5) North 11 degrees 14 minutes 50 seconds West 694.81 feet, thence (6) North 42 degrees 31 minutes 30 seconds East 136.86 feet to the southwest right-of-way line of Reisterstown Road, thence binding on the southwest side of said right-of-way (7) South 47 degrees 28 minutes 30 seconds East 329.80 feet to the place of beginning; containing 4.1 acres, more or less.

THIS DESCRIPTION HAS BEEN PREPARED FOR ZONING PURPOSES ONLY AND IS NOT INTENDED TO BE USED FOR CONVEYANCE.

July 21, 1992

July No. 90138.A



A Team of Land Planning, Environmental & Engineering Professionals Providing Complete Site Services of Development Solutions

132

**CERTIFICATE OF POSTING**  
ZONING DEPARTMENT OF BALTIMORE COUNTY  
Towson, Maryland

District: 3rd Date of Posting: 11/19/92  
Posted for: Daniel H. Brown & Son, Inc.  
Petitioner: Daniel H. Brown & Son, Inc.  
Location of property: 7002 Reisterstown Rd., Colonial Village Shopping Center  
Location of sign: Facing the street, on property being zoned  
Remarks:  
Posted by: [Signature] Date of return: 11/15/92  
Number of signs: 1

**CERTIFICATE OF PUBLICATION**

TOWSON, MD., 10/17/93  
THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 10/15/93.

THE JEFFERSONIAN,  
A. Henrichson  
LEGAL AD. - TOWSON

Baltimore County  
Zoning Administration &  
Development Management  
111 West Chesapeake Avenue  
Towson, Maryland 21204

**94-134-SPHA**

132  
S.P.A.  
702C VARIANCE (COMMERCIAL)  
7040 SPECIAL HANDLING (COMMERCIAL)  
7050 ISIC  
3  
535

DIADJ000501CHK: \$535.00  
BA C003128PNOV-11-93  
Please Make Checks Payable To: Baltimore County  
Cable: Baltimore

TO: FORTHEFT PUBLISHING COMPANY  
October 7, 1993 Issue - Jeffersonian

Please forward billing to:

Barton A. Williams, Esq.  
700 Court Towers  
210 W. Pennsylvania Avenue  
Towson, Maryland 21204  
410-823-7800

**NOTICE OF HEARING**

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 94-134-SPHA (Item 132)  
7002 Reisterstown Road - Colonial Village Shopping Center  
Intersection 84/5 Reisterstown Road and western boundary line of Baltimore City  
3rd Election District - 2nd Councilmanic  
Petitioner(s): Colonial Village Company  
HEARING: THURSDAY, NOVEMBER 4, 1993 at 10:00 a.m. in Rm. 118, Old Courthouse.

Special Hearing to approve an amendment of the variances granted in case 885-337-A and 893-17-SPHA.  
Variance to permit 215 spaces in lieu of the required 332 spaces, not including 28 city spaces.

LAWRENCE E. SCHULTZ  
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARING AND MANIPULATED ACCORDING; FOR SPECIAL ACCORDING PLEASE CALL 867-3353.  
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 867-3391.

Baltimore County Government  
Office of Zoning Administration  
and Development Management



111 West Chesapeake Avenue  
Towson, MD 21204

OCT. 04 1993

(410) 887-3353

**NOTICE OF HEARING**

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 94-134-SPHA (Item 132)  
7002 Reisterstown Road - Colonial Village Shopping Center  
Intersection 84/5 Reisterstown Road and western boundary line of Baltimore City  
3rd Election District - 2nd Councilmanic  
Petitioner(s): Colonial Village Company  
HEARING: THURSDAY, NOVEMBER 4, 1993 at 10:00 a.m. in Rm. 118, Old Courthouse.

Special Hearing to approve an amendment of the variances granted in case 885-337-A and 893-17-SPHA.  
Variance to permit 215 spaces in lieu of the required 332 spaces, not including 28 city spaces.

[Signature]  
Arnold Johnson  
Director

cc: Colonial Village Company  
Barton A. Williams, Esq.  
Daft-McCue-Walker, Inc.

NOTES: (1) HEARING AND MANIPULATED ACCORDING; FOR SPECIAL ACCORDING PLEASE CALL 867-3353.  
(2) HEARING AND MANIPULATED ACCORDING; FOR SPECIAL ACCORDING PLEASE CALL 867-3353.  
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE BY 867-3391.

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on Recycled Paper

Baltimore County Government  
Office of Zoning Administration  
and Development Management



111 West Chesapeake Avenue  
Towson, MD 21204

(410) 887-3353

October 22, 1993

Newton A. Williams, Esquire  
Nolan, Plumbhoff & Williams, Chartered  
700 Court Towers  
Towson, Maryland 21204

RE: Case No. 94-134-SPHA, Item No. 132  
Petitioner: Colonial Village Company  
Petition for Special Hearing and Variance

Dear Mr. Williams:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties, i.e., zoning commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on September 22, 1993, and a hearing was scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1. The director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by zoning personnel.

**BALTIMORE COUNTY, MARYLAND**  
**INTEROFFICE CORRESPONDENCE**

TO: Arnold Johnson, Director DATE: 10/22/93  
Zoning Administration and Development Management  
FROM: Robert W. Bowling, Senior Planning  
Development Plan Review Section  
RE: Zoning Advisory Committee Meeting  
for October 12, 1993  
Item No. 132

The Development Plan Review Section has reviewed the subject zoning item. It is recommended that the item be subject to the Landmarks Manual to the extent possible.

RWB:lc



SHA  
Maryland Department of Transportation  
State Highway Administration

O. James Lighthizer  
Secretary  
Hal Kassoff  
Administrator

Ms. Charlotte Minton  
Zoning Administration and  
Development Management  
County Office Building  
Room 109  
111 W. Chesapeake Avenue  
Towson, Maryland 21204

Dear Ms. Minton:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

*Bob Small*  
John Contestabile, Chief  
Engineering Access Permits  
Division

BS/

My telephone number is \_\_\_\_\_  
Maryland Relay Service for Impaired Hearing or Speech  
1-800-735-2258 Statewide Toll Free  
Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717  
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

BALTIMORE COUNTY, MARYLAND  
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director  
Zoning Administration &  
Development Management

FROM: Pat Keller, Deputy Director  
Office of Planning and Zoning

DATE: October 14, 1993

SUBJECT: Colonial Village Shopping Center

INFORMATION:

Item Number: 132

Petitioner: Colonial Village Company

Property Size: 4.1 Acres

Zoning: B.L.

Requested Action:

Hearing Date: / /

SUMMARY OF RECOMMENDATIONS:

The petitioner is requesting a special hearing to amend the variance granted in case 85-137A and 93-175PMX to permit 215 spaces in lieu of the required 332 spaces, not including 28 spaces in Baltimore City. The Office of Planning and Zoning recommends that the petitioner's request be APPROVED.

The Colonial Village Shopping Center is the Eastern anchor of the Pikesville Revitalization District. This office supports efforts to retain and expand existing businesses in the Pikesville Revitalization District.

The Office of Planning and Zoning's area planner made a site visit and found that there were 68 underutilized parking spaces in the rear of this shopping center with a breezeway connecting this parking area to the shopping center. By allowing the Royal Restaurant and Banquet Room and Once Upon a Birthday to operate in this portion of the shopping center, an opportunity will be provided to encourage use of the existing underutilized parking area and free up parking spaces in the front for other customers.

Prepared by: *Jeffrey M. Jurg*

Division Chief: *Pat Keller*

PK/JL:rdn

ZAC. 132/PZONE/ZAC1

Pg. 1

BALTIMORE COUNTY, MARYLAND  
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT  
INTER-OFFICE CORRESPONDENCE

October 12, 1993

TO: Mr. Arnold Jablon, Director  
Zoning Administration and  
Development Management

FROM: J. Lawrence Pilson, JLP  
Development Coordinator, DEPRM

SUBJECT: Zoning Item #132 - Colonial Village Company  
Reisterstown Road  
Zoning Advisory Committee Meeting of October 4, 1993

The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item.

Development of the property must comply with the Forest Conservation Regulations.

JLP:GCS:sp

COLONIAL/DEPRM/TXTSPP

Baltimore County Government  
Department of Permits and Licenses

111 West Chesapeake Avenue  
Towson, MD 21204

October 8, 1993

(410) 887-3610

Arnold Jablon  
Director  
Zoning Administration and  
Development Management  
Baltimore County Office Building  
Towson, MD 21204

Zoning Agenda: Meeting of October 4, 1993

Joseph Michael Neukam and Audrey E. Neukam  
42001 Codd Avenue  
130 (RT)

Paul Goodman  
41002 Reisterstown Road  
4131 (RT)

Colonial Village Company  
47002 Reisterstown Road - Colonial Village Shopping Ctr.  
4132 (JPA)

Iron City Sash and Door  
42202 Halethorpe Farm Road  
4133 (JLL)

David Wayne Johnson and Tera Lee Johnson  
411 Horse Chestnut Court  
48 134 (RT)

Edmund J. Cardoni and Teena L. Cardoni  
4232 Antietam Road  
4135 (JCM)

Charles D. Lowe and Sharon A. Lowe  
41900 Dineen Drive  
136 (JLL)

Elizabeth Hendrickson, Personal Representative for the Estate of  
Rita S. Holland  
413224 Fork Road  
137 (JPA)

The Pines at Deep Run Limited Partnership  
45,6,7, & 8 Deep Run Court  
4138 (MJK)

Robin Barbagallo and Francis S. Barbagallo, Jr.  
41381 Evergreen Lane  
138 (JJS)

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Jerome Leibowitz and Bettye I. Leibowitz  
43510 Gardenvue Road  
4140 (JLL)

A. LeRoy Metz and Jean L. Metz  
49106 Hines Road  
4141 (JRA)

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

7. The Fire Prevention Bureau has no comments at this time.

Reviewed: *Robert P. Sauerwald*  
Lieutenant Robert P. Sauerwald  
Fire Prevention Bureau  
(887-4880)

BALTIMORE COUNTY, MARYLAND  
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT  
INTER-OFFICE CORRESPONDENCE

October 28, 1993

TO: Mr. Arnold Jablon, Director  
Zoning Administration and  
Development Management

FROM: J. Lawrence Pilson, JLP  
Development Coordinator, DEPRM

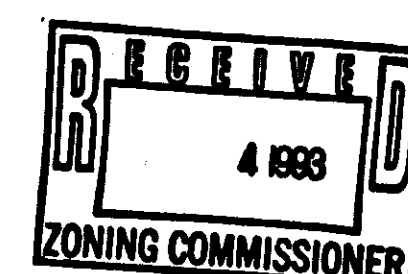
SUBJECT: Zoning Item #132 - Colonial Village Company - Revised  
Reisterstown Road  
Zoning Advisory Committee Meeting of October 4, 1993

The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item.

Revisions of comments submitted on 10/12/93. Forest Conservation Regulations will not apply.

JLP:GCS:sp

COLONIAL/DEPRM/TXTSPP



GABRIEL W. ROSENBUCH JR.  
2430 Forest Green Rd  
Baltimore, Md 21209  
410 653 5019  
Fax 410 653 5019 Star Transmitt

FAX INFO SHEET

TO: *Hon. Timothy M. Kotroco*  
FAX NUMBER: *410 653 5019*  
NUMBER OF PAGES: *2*  
SUBJECT MATTER: *Change in parking spaces*  
DATE: *11/24/93* TIME: *10:00 AM*  
FROM: *GABRIEL*

PLEASE CONTACT SENDER IMMEDIATELY IF LESS THAN THE  
REQUIRED NUMBER OF PAGES ARRIVES,  
OR IF TRANSMISSION ERROR OCCURS.



November 24, 1993

Hon. Timothy M. Kotroco  
Deputy Zoning Commissioner  
For Baltimore County  
Suite 113 Courthouse  
400 Washington Ave.  
Towson, Md 21204

Re: Case No. 94-134 SPHA Colonial Village Company

Dear Mr. Kotroco:

I am in receipt of a copy of the Telefax Cover Page and exhibits recently forwarded to you by Newton Williams Esq. concerning the above mentioned case.

This is to confirm that the position of the Zoning Committee of the Pikesville Chamber of Commerce on this matter, is in full agreement with the modifications outlined by Mr. Williams. Therefore we also request that you modify your order to allow the petitioner to use the validation system for the necessary 28 parking spaces that they have requested.

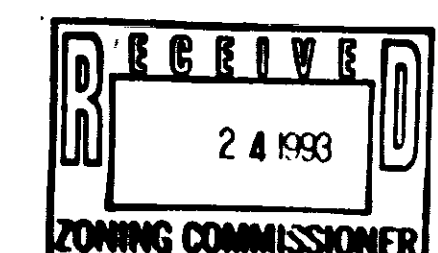
Thank you for allowing us to modify our original position.

Very truly yours,

*Gabriel W. Rosenbush Jr.*

Gabriel W. Rosenbush Jr.  
Chairman Zoning Committee for  
Pikesville Chamber of Commerce

cc: Newton Williams Esq.  
Robert G. Polickoff  
SMA Friedman, Pres. PCC



FAX C C: Mr. Robert Pollock, Colonel Village, FA 768-2888, Phone  
 Mr. Michael S. Williams, Mr. Henry Williams, DMW FAX 296-4145  
 Mr. Michael S. Williams, Mr. Henry Williams, DMW FAX 296-4145  
 Mr. Michael S. Williams, Mr. Henry Williams, DMW FAX 296-4145

**NOLAN, PLUMBOFF & WILLIAMS**  
 CHARBERS  
 SUITE 700, COURT TOWERS  
 210 WEST PENNSYLVANIA AVENUE  
 TOWSON, MARYLAND 21204-5340  
 (410) 296-2785  
 TELEFAX: (410) 296-2785

TELECOPIER TELEPHONE NUMBER: 947-5228  
 TOTAL NUMBER OF PAGES (INCLUDING COVER SHEET): 7  
 TO: Hon. Timothy M. Kistner, County Planning Commission  
 FROM: Nancy Commission Office, Office of Planning & Zoning  
 TELEPHONE NUMBER TO CONFIRM RECEIPT: 822-4386  
 RE: Requested Minor Variance for Colonial Village Shopping Center  
 IF FOR ANY REASON YOU NEED TO CONTACT US, PLEASE CALL  
 Mr. Robert Pollock at 822-3500

Dear Commissioner Kistner: Thank you for your prompt order in this matter of November 10, 1993. We would respectfully request you consider modifying the order to include 3 additional parking spaces within the site of the Colonial Village Shopping Center. We believe this would be the most appropriate use of the site. We are enclosed the marked-up opinion and the Chambers letter. Thank you for your consideration of this request.

Very truly yours,  
 Robert W. Rosenbush Jr.  
 Chairman of the Zoning Committee  
 Pikeville Chamber of Commerce

cc: Sidney Friedman, Pres. FCC  
 Bob Pollockoff, Fodor Co.

**Pikeville**  
 November 1, 1993

Mr. Lawrence Schmidt  
 Zoning Administrator  
 for Baltimore County  
 Suite 115, Courthouse  
 400 Washington Ave.  
 Towson, MD 21204

RE: CASE NO. 94-134-SPHA  
 COLONIAL VILLAGE SHOPPING CENTER

Dear Mr. Schmidt:

This is to advise you that the Zoning Committee of the Pikeville Chamber of Commerce has met with the developer of the Colonial Village Shopping Center, the petitioner in the above mentioned case.

The Committee is fully supportive of the variance requested and the proposed use of the new vacant premises. We however, request that two covenants be placed in the order granting this variance. These have been agreed to by the owners of Colonial Village Shopping Center. They are as follows:

- 1) In the event that the variance granted is not utilized within a period of two (2) years from the date of its granting, then in that event the variance will come and the property will revert to its current underlying zoning and parking regulation. Further in the event the use proposed shall come and a new and different use be utilized, then in that event the variance will come and the property will revert to its current underlying zoning and parking regulation.
- 2) In the event that new public parking shall be created within 500 feet of the shopping center, then in that event the petitioner shall support both physically and financially any plan submitted by the then governing authority, in such a manner which will not place a economically unreasonable burden upon the developer, to provide parking, which will offset the variance for the specific use which is being proposed at this time.

We ask that you grant the petitioner's request for this variance and that the aforementioned covenants be written into your order.

Very truly yours,  
 Robert W. Rosenbush Jr.  
 Chairman of the Zoning Committee  
 Pikeville Chamber of Commerce

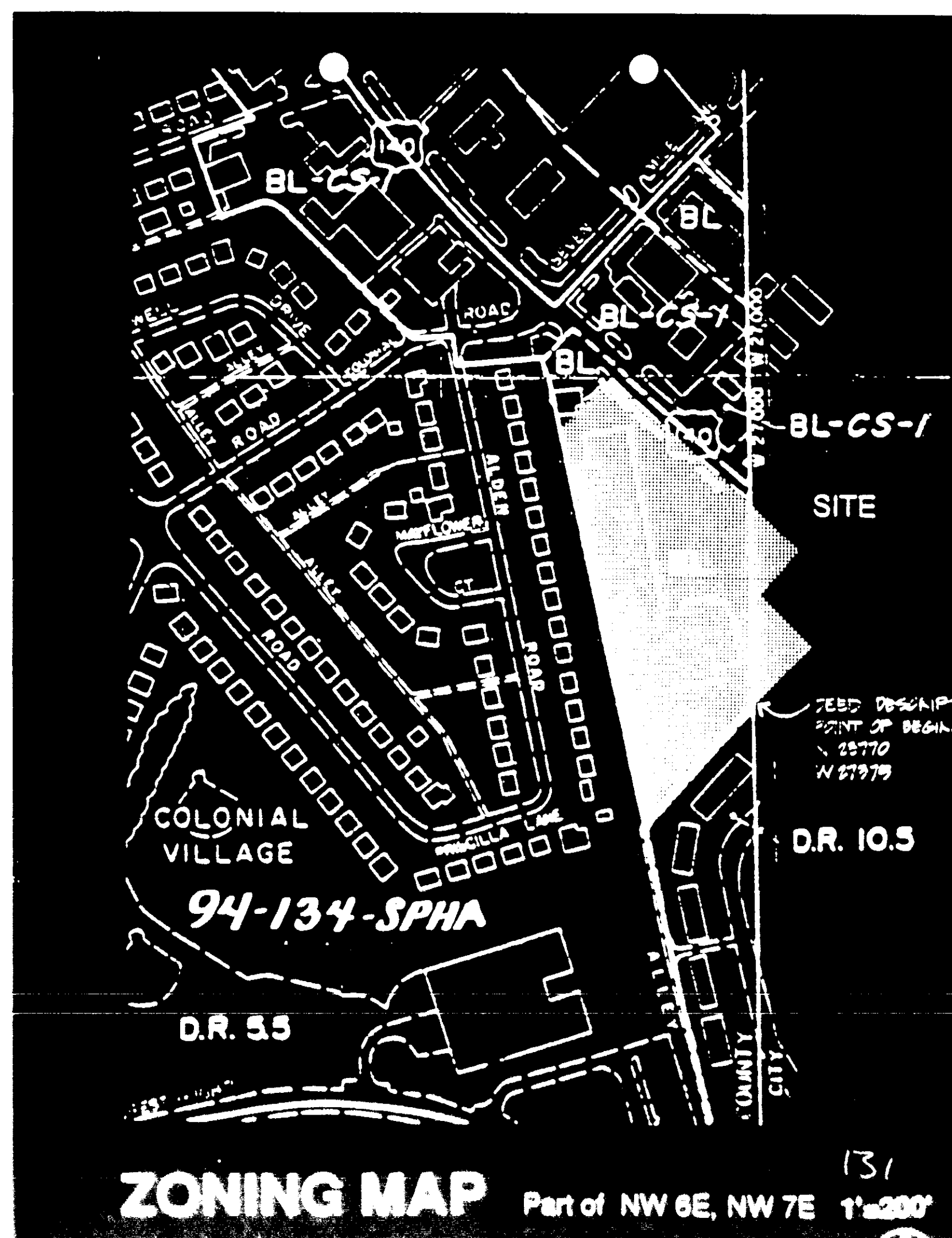
**Pikeville's Representatives** 94-134-SPHA  
 PLEASE PRINT CLEARLY  
 SIGN-IN SHEET

NAME	ADDRESS
NEUTRA & WILLIAMS (ATTY)	700 COURT TOWERS, 21204
Robert G. Pollock (Owner Agent)	54 N. Glen Hwy, Annapolis, MD 20611
NEMAT, Nemat	7002 RIVERSIDE TOWN RD KAYAK RESTAURANT
George F. Gavriliadis	DMW 200 E. Penn Ave.
Charles Rosenbush Jr.	Pikeville Chamber of Commerce 400 Washington Ave., Pikeville, MD 21204

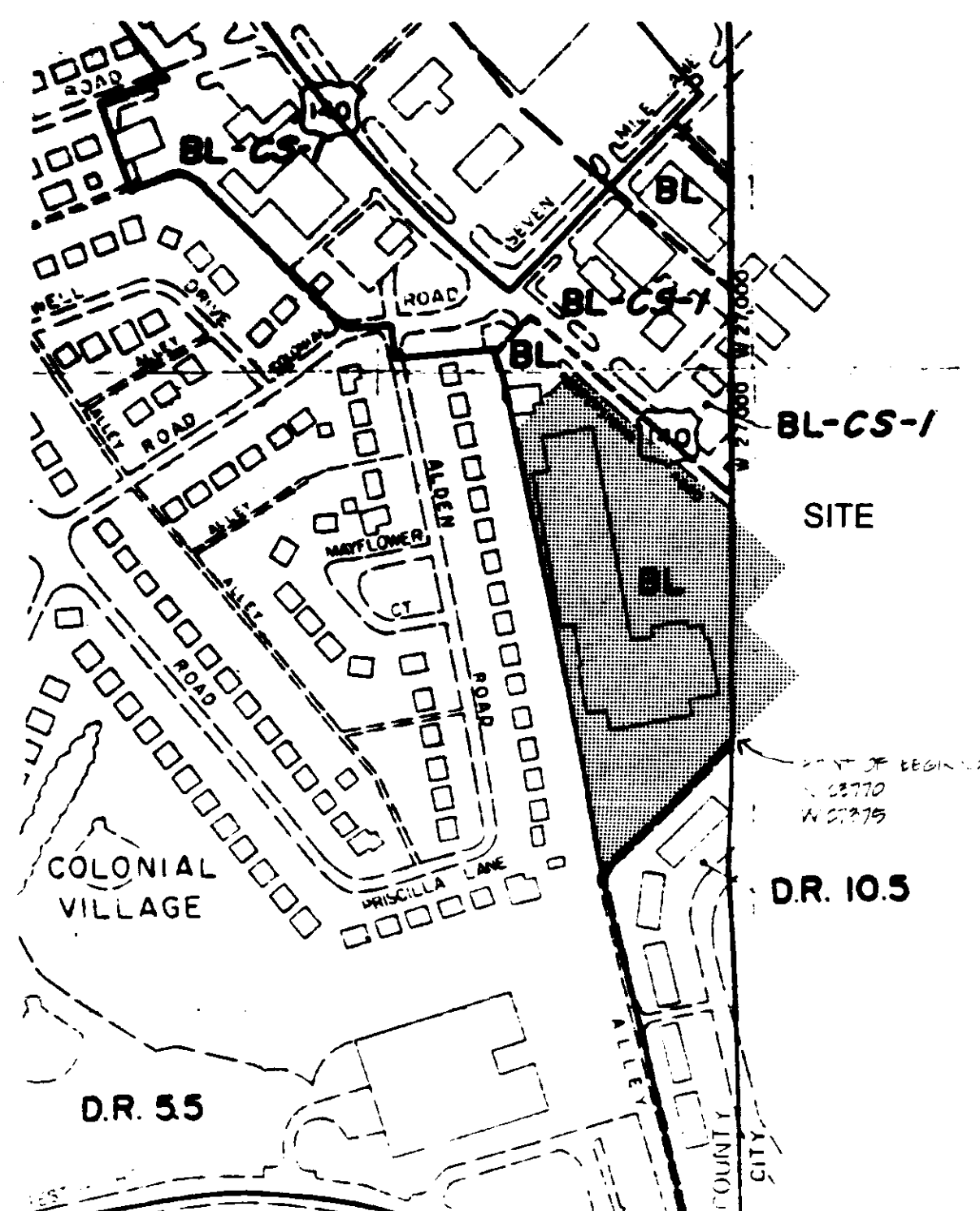
**COLONIAL VILLAGE SHOPPING CENTER**

REGAL SAVINGS	M-TH 9-3 FRI 9-4 SUN Closed
DEJA NEW	TUE-SAT 10-6 SUN Closed
EMPRESS CARRYOUT	TWTH 11-10 FRI-SAT 11-11 SAT 1-10
CACHET	M-SAT 9-6 SUN Closed
SARRA'S WIGS	M-SAT 10-6 SUN Closed
COLONIAL VILLAGE CLEANER	M-SAT 10-6 SUN Closed
ROYAL RESTAURANT	M-TH 11-30 FRI 11am-2pm SAT Closed SUN 11-30-9
ONCE UPON A BIRTHDAY	BY APPT ONLY
VILLAGE MARKET	EVERYDAY 10-8
GUSSINI	M-F 10-8 SAT 10-7 SUN 10-5
WASSERMAN & LEMBERGER	M-SAT 7-30am - 6pm FRI & SUN 7-30am - 3pm
SCHMELL & AZMAN	M-TH 6am - 7pm FRI 6am - 5pm SUN 6am - 5pm
HAIR WE ARE	ALL TIMES APPROX. HOURS BASED ON APPTS
COLONIAL HARDWARE	SUNAMON Closed TUE-SAT 7am - 6pm
PERN'S	M-F 10-6 SAT 8-30-5 SUN 10-4
COLONIAL VILLAGE BARBER	M-TH 10-6 FRI 10-2 SAT Closed SUN 10-4
	EVERYDAY 8am - 5:30pm

**PETITIONER'S EXHIBIT 4**







**ZONING MAP** Part of NW 6E, NW 7E 1"=200'

**Special Zoning Note**

Colonial Village Shopping Center was built well prior to May 26, 1988, the effective date of current off-street parking and loading regulations. It has not been enlarged after that date. Accordingly, the center is subjected to the previous parking standards as provided by Section 409.1A.

**ZONING RELIEF REQUESTED**

**SPECIAL HEARING:**

To amend the variance granted in Case Nos. 85-337-A and 93-17-SPHX by permitting 215 spaces, in lieu of the required 332 spaces, but not including 28 spaces provided in the Baltimore City portion of the site.

**COLONIAL VILLAGE SHOPPING CENTER PARKING CALCULATIONS**

SIZE	TENANT NAME	USE	STANDARD	REQUIRED SPACES
1,486	Regal Savings Bank	Neighborhood banking services	1/300 SF	495
1,274	Deja New	Clothing consignment	1/200 SF	637
760	Empress Carryout	Chinese carry-out food	1/200 SF	380
1,085	Cachet	Nail salon	1/300 SF	362
1,035	Sara's Wig Salon	Sale of ladies wigs	1/200 SF	518
1,038	Colonial Village Cleaner	Dry cleaner	1/300 SF	345
5,279	Royal Restaurant	Kosher restaurant and banquet room - 4323 SF	1/50 SF	8640
1639	Proposed Restaurant	Ancillary uses - 956 SF	1/300 SF	919
		Kosher Restaurant Expansion	1/50 SF	3275
1,639	Bow-Wowserie	Pet grooming & sale of related items	1/300 SF	544
1,682	Vacant	Retail	1/200 SF	841
10,412	Vacant	Retail	1/200 SF	5206
2,965	Once Upon A Birthday	Children's parties and theatre - 49 seats	1/4 Seats	1225
4,000	Colonial Pharmacy	Pharmacy	1/200 SF	2000
5,875	Village Market	Natural grocery store	1/200 SF	2938
3,500	Gusmini Shoes	Sale of shoes	1/200 SF	1750
5,483	Butcher, Baker	Retail	1/200 SF	2742
1,120	Hair We Are	Services commonly associated with hair cutting and styling	1/300 SF	373
1,120	Colonial Village Hardware	Hardware store	1/200 SF	560
800	Perrin's Book & Gift Store	Sale of Hebrew books and gifts	1/200 SF	400
320	Colonial Village Barber	Barber shop	1/300 SF	107

\* Former use

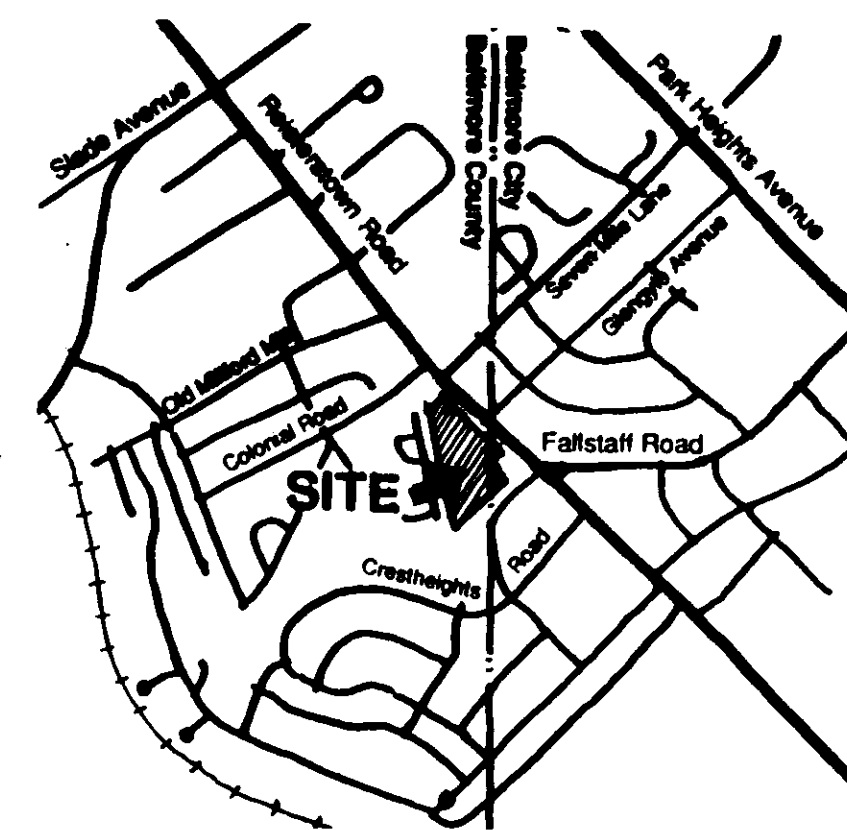
132 (21-25) 56422

215.00 (provided in county)

28.00 (provided in city)

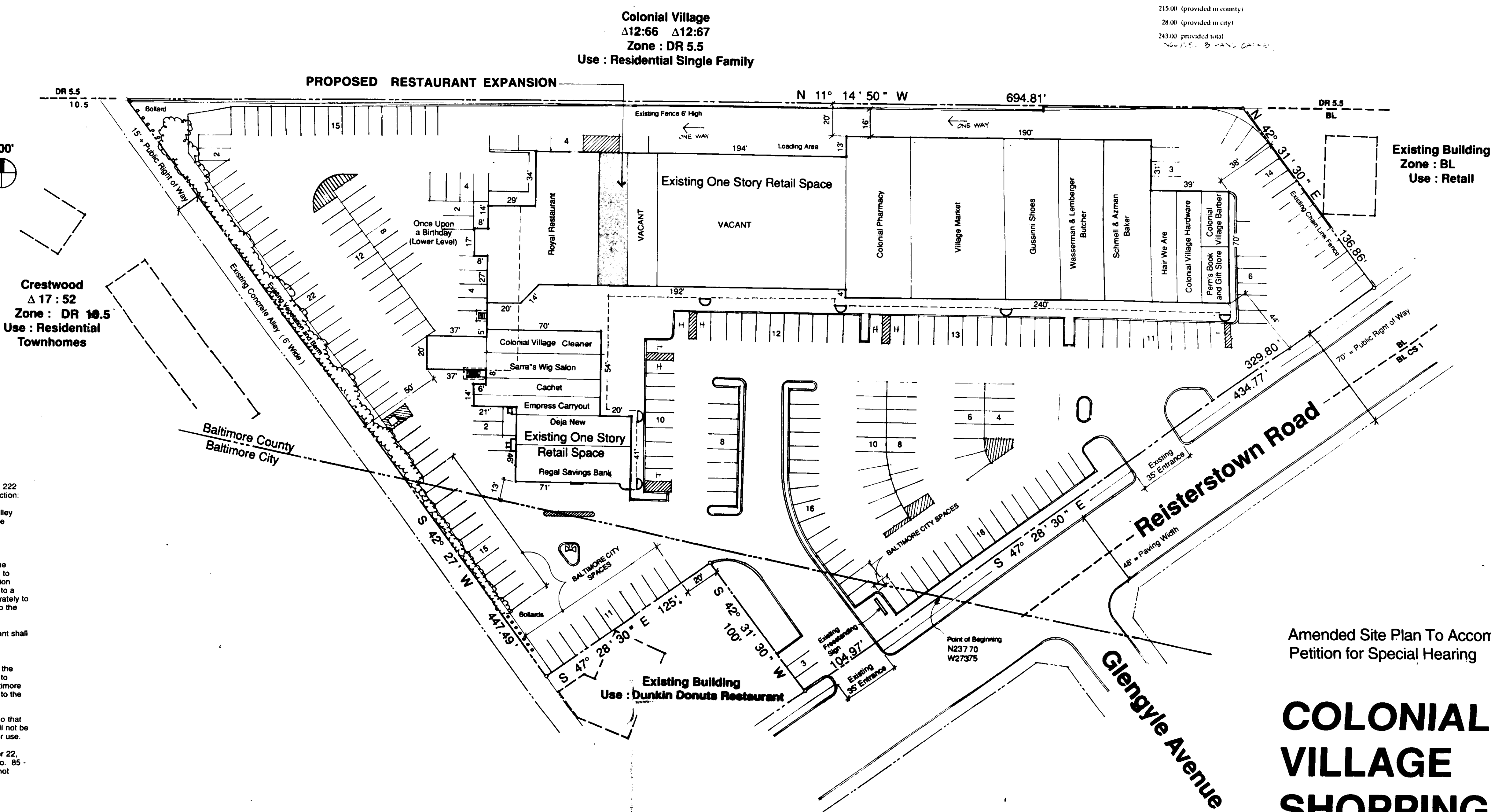
243.00 provided total

NOTED BY HAND CALC.



**VICINITY MAP**

1"=1000'



1. Property Address:  
7002 Reisterstown Road  
Baltimore, MD 21215

2. Site Area:  
4.1 Ac. ±

3. Zoning History:

Zoning Case No. 85-337-A.

On June 13, 1985 the Zoning Commissioner granted a variance to permit 222 parking spaces in lieu of the required 243 spaces with the following restriction:

The petitioner shall prevent vehicle access to the center from the alley bordering the south property line that traverses both the city and the county.

Zoning Case No. 93-17-SPHX.

On September 22, 1992 the Zoning Commissioner granted approval of the Petition for Special Exception to permit a theater in a B.L. zone, pursuant to Section 230.13 of the B.C.Z.R. He further determined, pursuant to Section 500.7 of the B.C.Z.R., that a banquet room is a permitted accessory use to a restaurant and that component use areas thereof can be calculated separately to determine required parking, in lieu of the single use calculation, subject to the following restrictions:

The hours of operation of the banquet facility at the Royal Restaurant shall be restricted so as to prohibit any events at said facility after 12:01 A.M.

The petitioner shall make reasonable efforts, including insertion of the appropriate language within any leases between it and its tenants to provide that employee parking shall be in those spaces within Baltimore City and, in any event, not within the spaces immediately adjacent to the retail and service stores.

The Special Exception granted herein shall be specifically limited to that retail/service operation known as "Once Upon A Birthday" and shall not be used as the basis to permit a Motion picture house, stage, or similar use.

On December 1, 1992 the Zoning Commissioner amended his September 22, 1992 order and granted an amendment of the variance granted in case No. 85-337-A by permitting 215 spaces, in lieu of the required 304 spaces, but not including 28 spaces provided in the Baltimore City portion of the site.

4. Owner:

Colonial Village Company  
c/o The Fedder Company  
514 North Crain Highway  
Glen Burnie, MD 21061  
(410) 768-4100

5. Public Water, Sewer and Storm Drain facilities serve the site. Their locations are not shown and are not relevant to this petition to amend a previously granted parking variance.

6. Floor Area Ratio:

50,906 S.F. + / 197138 S.F. + = 0.28 F.A.R., 3.0 FAR Permitted.

8. The Base Information shown is taken from the Site Plan to Accompany Zoning Variance Request dated March 8, 1988 prepared by others.

9. All signs comply with Section 413 of the B.C.Z.R.

10. No Building will exceed the permitted 40' height.

Amended Site Plan To Accompany  
Petition for Special Hearing

**COLONIAL VILLAGE SHOPPING CENTER PETITIONER'S EXHIBIT 1**

ELECTION DISTRICT 3 COUNCILMANIC DISTRICT 2  
Baltimore County Maryland

Prepared For:  
Colonial Village Company  
Prepared By:  
Deft McCune Walker Inc.

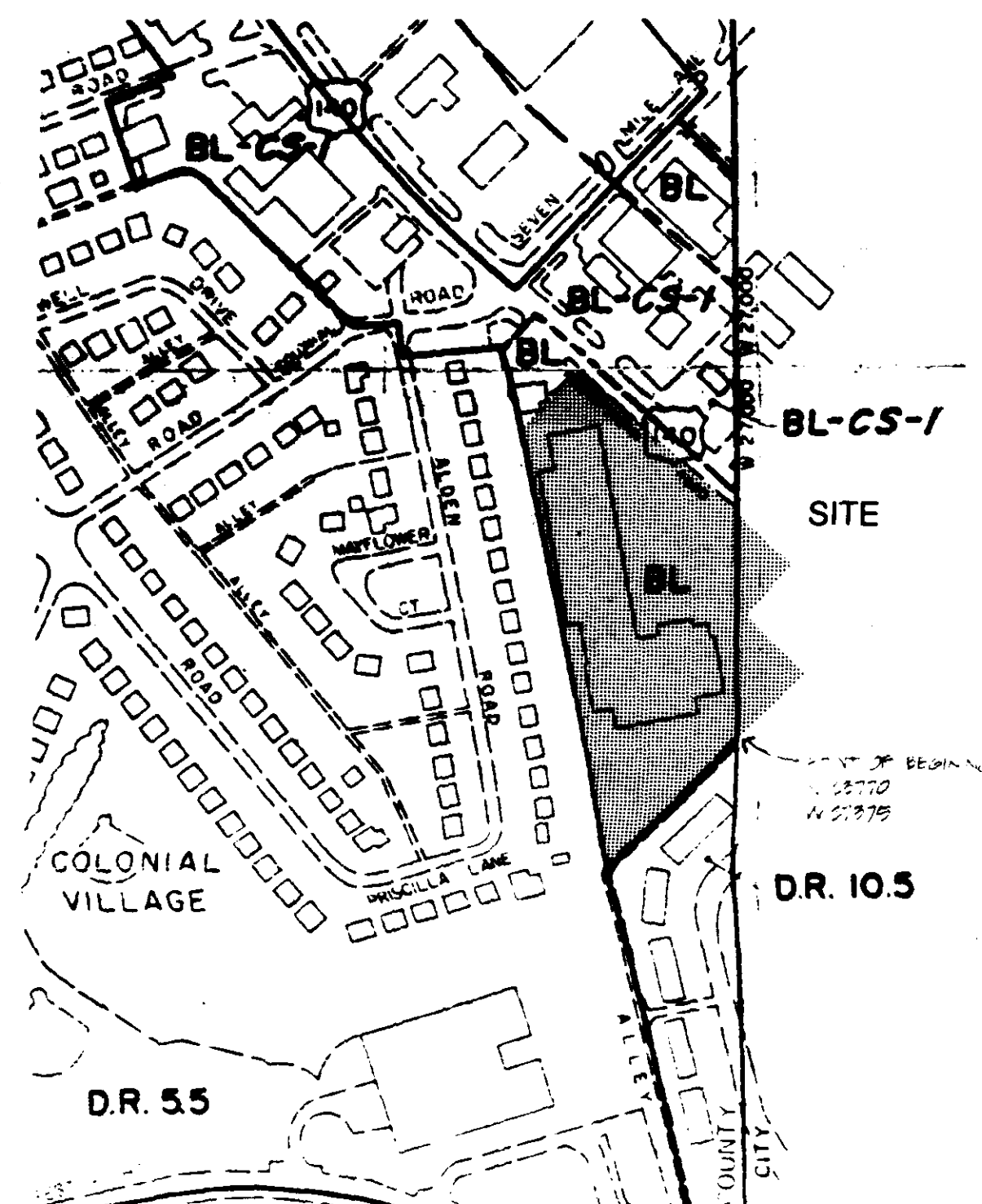
SCALE 1" = 30'

DATE: JULY 21, 1992

PROJECT NO. 10103 A

REVISED: AUGUST 12, 1992

Revised September 20, 1993 Uses Updated November 3, 1993



**ZONING MAP** Part of NW 6E, NW 7E 1"=200'

**Special Zoning Note**  
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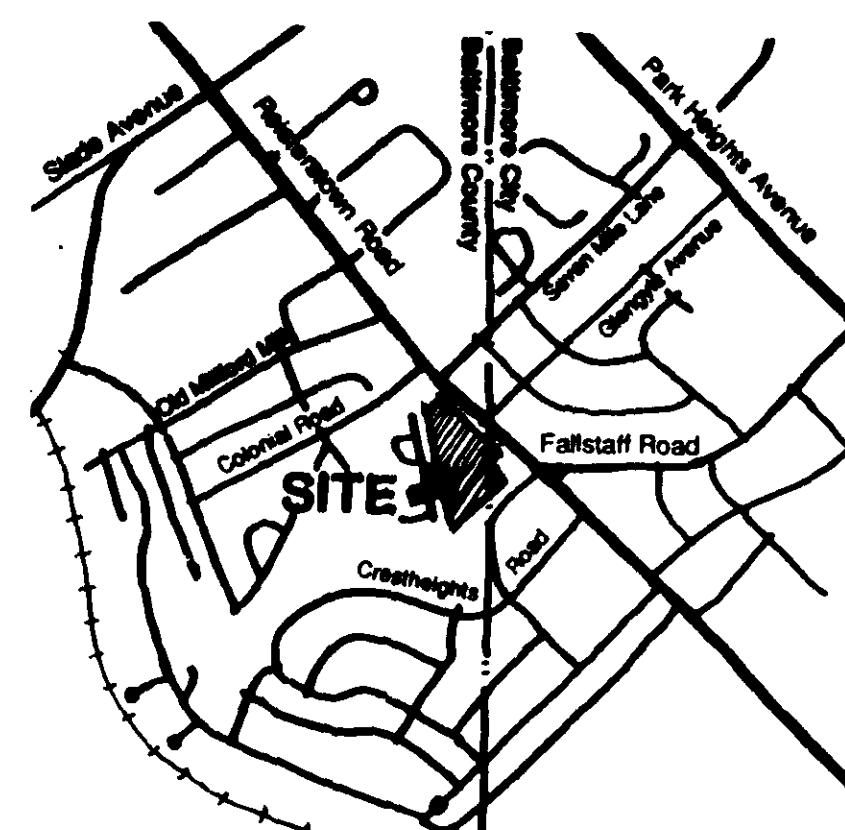
**ZONING RELIEF REQUESTED**

**SPECIAL HEARING:**

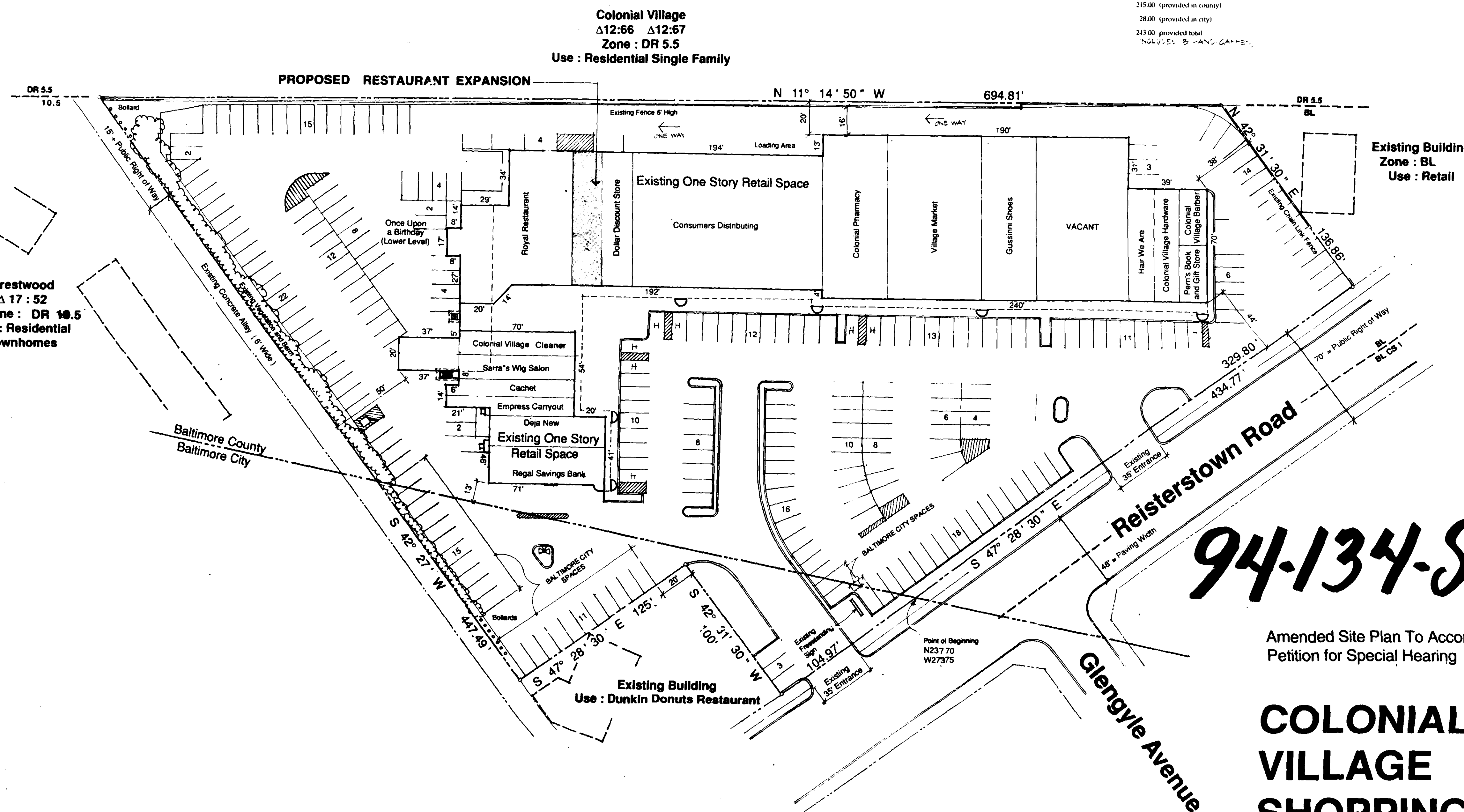
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**COLONIAL VILLAGE SHOPPING CENTER PARKING CALCULATIONS**

SIZE	TENANT NAME	USE	STANDARD	REQUIRED SPACES
1,496	Regal Savings Bank	Neighborhood banking services	1/300 SF	4.95
1,274	Deja New	Clothing consignment	1/200 SF	6.37
760	Empress Carryout	Chinese carry-out food	1/200 SF	3.80
1,085	Cachet	Nail salon	1/200 SF	5.42
1,035	Serra's Wig Salon	Sale of ladies wigs	1/200 SF	5.18
1,035	Colonial Village Cleaner	Dry cleaner	1/300 SF	3.45
5,279	Royal Restaurant	Kosher restaurant and banquet room - 423 SF	1/300 SF	17.59
1639	Proposed Restaurant	Kosher Restaurant Expansion	1/300 SF	5.45
1,639	Bow-Wowette	Pet grooming & sale of related items	1/300 SF	5.45
1,682	Dollar Discount Store	Sale of variety items at low costs	1/200 SF	8.41
10,412	Consumers Distributing	Catalog showroom	1/200 SF	52.06
2,965	Once Upon A Birthday	Children's parties and theatre - 49 seats	1/4 Seats	12.25
4,000	Colonial Pharmacy	Pharmacy	1/200 SF	20.00
5,875	Village Market	Natural grocery store	1/200 SF	29.38
3,500	Gusmini Shoes	Sale of shoes	1/200 SF	17.50
5,483	VACANT		1/200 SF	27.42
1,120	Hair We Are	Services commonly associated with hair cutting and styling	1/300 SF	3.73
1,120	Colonial Village Hardware	Hardware store	1/200 SF	5.60
800	Perr's Book & Gift Store	Sale of children's books and gifts	1/200 SF	4.00
320	Colonial Village Barber	Barber shop	1/300 SF	1.07



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7002 Reisterstown Road  
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- Site Area:  
4.1 Ac. ±
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**94-134-SPHA**

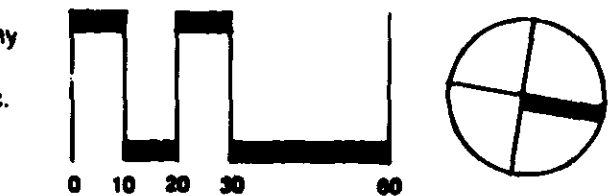
Amended Site Plan To Accompany  
Petition for Special Hearing

**COLONIAL  
VILLAGE  
SHOPPING  
CENTER**

ELECTION DISTRICT 3 COUNCILMANIC DISTRICT 2  
Baltimore County Maryland



Prepared For:  
Colonial Village Company  
Prepared By:  
Dah McCune Walker Inc.  
SCALE 1" = 30'  
DATE: JULY 21, 1992  
CIVIL PROJECT NO. 10728 A  
REVISED: AUGUST 12, 1992  
Revised September 20, 1993



5000  
132



